

SECOND REGULAR SESSION

# HOUSE BILL NO. 2055

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HENDRICKSON.

Read 1<sup>st</sup> time February 26, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4828L.02I

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### AN ACT

To repeal section 546.260, and to enact in lieu thereof one new section relating to privileged communications.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 546.260, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 546.260, to read as follows:

546.260. 1. No person shall be incompetent to testify as a witness in any criminal cause or prosecution by reason of being the person on trial or examination, or by reason of being the husband or wife of the accused, but any such facts may be shown for the purpose of affecting the credibility of such witness; provided, that no person on trial or examination, nor wife or husband of such person, shall be required to testify, but any such person may testify at his or her option either on behalf of or against the [defendant] **accused**, and shall be liable to cross-examination, as to any matter referred to in his **or her** examination in chief, and may be contradicted and impeached as any other witness in the case; provided, that in no case shall husband or wife, when testifying under the provisions of this section, be permitted to disclose confidential communications had or made between them in the relation of such husband and wife.

2. Notwithstanding subsection 1 of this section or any other provision of law to the contrary, in any criminal prosecution [under] **pursuant to** chapter 565, 566 or 568, RSMo, involving an alleged victim under the age of eighteen, a spouse shall be a competent witness against a defendant spouse, and no spousal privilege as set forth in subsection 1 of this section or any other provision of law shall exist.

3. **No person shall be incompetent to testify as a witness in any criminal cause or**

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 prosecution by reason of being the parent of the accused, but any such facts may be shown  
18 for the purpose of affecting the credibility of such witness; provided, that no parent of any  
19 accused under the age of sixteen shall be required to testify, but any such person may  
20 testify at his or her option either on behalf of or against the accused, and shall be liable to  
21 cross-examination, as to any matter referred to in his or her examination in chief, and may  
22 be contradicted and impeached as any other witness in the case; provided, that in no case  
23 shall a parent, when testifying pursuant to the provisions of this section, be permitted to  
24 disclose confidential communications had or made by a child under the age of sixteen to  
25 a parent.